

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JAMES A. DAY
Plaintiff,

vs.

JO ANNE B. BARNHART
Defendant.

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CIVIL ACTION NO. 6:06cv1

ORDER

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The parties have made no objections to the Report and Recommendation.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge (Doc. 8) as the findings and conclusions of this Court.

Accordingly, Plaintiff, James A. Day's, action is hereby DISMISSED for failure to prosecute.

SIGNED this 10th day of August, 2006.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE